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SIXTIETH LEGISLATURE

**THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 16, 2009**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Acting Senator Sagness, absent and formally excused by the Chair; and Senators Andreason, Cameron, Goedde, LeFavour, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kaela Olsen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 13, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Cameron and LeFavour were recorded present at this order of business.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 16, 2009

The JUDICIARY AND RULES Committee reports that [S 1086](#), [S 1087](#), [S 1088](#), [S 1089](#), [S 1090](#), [S 1091](#), [S 1092](#), [S 1093](#), [S 1094](#), [S 1095](#), [S 1096](#), [S 1097](#), [S 1098](#), [S 1099](#), [S 1100](#), [S 1101](#), and [SJR 101](#) have been correctly printed.

DARRINGTON, Chairman

[S 1086](#), [S 1087](#), [S 1088](#), [S 1089](#), [S 1090](#), [S 1092](#), [S 1097](#), and [S 1098](#) were referred to the Transportation Committee.

[S 1091](#) was referred to the Local Government and Taxation Committee.

[S 1093](#), [S 1094](#), [S 1095](#), and [S 1096](#) were referred to the Commerce and Human Resources Committee.

[S 1099](#) was referred to the Judiciary and Rules Committee.

[S 1100](#), [S 1101](#), and [SJR 101](#) were referred to the State Affairs Committee.

February 13, 2009

The JUDICIARY AND RULES Committee reports that [SCR 102](#) has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [SCR 102](#) and ordered it transmitted to the House for the signature of the Speaker.

February 16, 2009

The JUDICIARY AND RULES Committee reports that [S 1005](#), as amended, and [S 1006](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1005](#), as amended, and [S 1006](#), as amended, were filed for first reading.

February 16, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1005](#) and [S 1006](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 13, 2009

The STATE AFFAIRS Committee reports out [S 1059](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1059](#) was referred to the Fourteenth Order of Business, General Calendar.

February 13, 2009

The FINANCE Committee reports out [H 80](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 80](#) was filed for second reading.

February 13, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Marsha H. Smith to Public Utilities Commission, term to expire January 13, 2015.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 13, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 3](#), [H 4](#), [H 11](#), [H 12](#), [H 13](#), and [H 15](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 3](#), [H 4](#), [H 11](#), [H 12](#), [H 13](#), and [H 15](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1005](#), as amended, and [S 1006](#), as amended, by Judiciary and Rules Committee, were introduced, read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1052](#) and [S 1070](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

[S 1062](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1075](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 9](#) and [H 64](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

[H 18](#), by Education Committee, was read the second time at length and filed for third reading.

[H 28](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Fulcher, granted by unanimous consent, [S 1017](#), having been read the third time at length, section by section, debate having previously opened, and having been held to this time certain, was referred to the Fourteenth Order of Business, General Calendar.

Senators Andreason, Goedde, Pearce, and Stegner were recorded present at this order of business.

[S 1066](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1066](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Cameron, granted by unanimous consent, [H 61](#) retained its place on the Third Reading Calendar for Monday, February 23, 2009.

[H 20](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Thorson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 20](#) passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Geddes acknowledged the presence of former Senators Jeanne Gannon, Brad Little, and Laird Noh and welcomed them to the Chamber at this time.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Chairmen Senator Mortimer and Senator Brackett. The Invocation was delivered by Senator Winder and remarks were presented by Senator Mortimer. Musical selections, "Lead Kindly Light," and "How Can I Keep from Singing," were performed by Miss Idaho 2009, Elise Davis, and accompanied by Judy Mortimer. The Service was coordinated by June Keithly and Mary Harvey.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator RONALD G. CARTER passed on since the close of the Second Regular Session of the Fifty-ninth Legislature - to wit, November 7, 2008.

WHEREAS, the late Senator RONALD G. CARTER served in the interest of Ada County during the Forty-fifth Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator RONALD G. CARTER; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the RONALD G. CARTER family.

On motion by Senator Werk, seconded by Senator Davis, the Memorial to the late Senator Carter was adopted by voice vote.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator VERNON K. BRASSEY passed on during the First Regular Session of the Sixtieth Legislature - to wit, January 14, 2009.

WHEREAS, the late Senator VERNON K. BRASSEY served in the interest of Ada County during the 40th through the 44th and the 46th Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator VERNON K. BRASSEY; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the VERNON K. BRASSEY family.

On motion by Senator Kelly, seconded by Senator Stegner, the Memorial to the late Senator Brassey was adopted by voice vote.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator WALTER H. YARBROUGH passed on since the close of the Second Regular Session of the Fifty-ninth Legislature - to wit, December 8, 2008.

WHEREAS, the late Senator WALTER H. YARBROUGH served in the interest of Owyhee County during the Thirty-eighth through the Forty-eighth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator WALTER H. YARBROUGH; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the WALTER H. YARBROUGH family.

On motion by Senator Brackett, seconded by Senator Fulcher, the Memorial to the late Senator Yarbrough was adopted by voice vote.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator RICHARD S. HIGH passed on since the close of the Second Regular Session of the Fifty-ninth Legislature - to wit July 13, 2008.

WHEREAS, the late Senator RICHARD S. HIGH served in the interest of Twin Falls County during the Thirty-ninth through the Forty-fifth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator RICHARD S. HIGH; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the

RICHARD S. HIGH family.

On motion by Senator Coiner, seconded by President Pro Tempore Geddes, the Memorial to the late Senator High was adopted by voice vote.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator TOM GANNON passed on since the close of the Second Regular Session of the Fifty-ninth Legislature - to wit, June 24, 2008.

WHEREAS, the late Senator TOM GANNON served in the interest of Owyhee and Twin Falls Counties during the Fifty-seventh through the Fifty-ninth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator TOM GANNON; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Sixtieth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the TOM GANNON family.

On motion by Senator Corder, seconded by Senator Stegner, the Memorial to the late Senator Gannon was adopted by voice vote.

The Benediction was offered by Chaplain Henry Webb.

Senator Mortimer declared the committee for the Memorial Service dissolved. Following the Memorial Service, President Little called the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 1:25 p.m. until the hour of 4 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 4 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Acting Senator Sagness, absent and formally excused by the Chair; and Senators Davis and Pearce, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1102
BY TRANSPORTATION COMMITTEE
AN ACT**

RELATING TO HIGHWAYS; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-513D, IDAHO CODE, TO DESIGNATE THE MAPLE GROVE INTERCHANGE ON INTERSTATE I-84 NEAR BOISE, IDAHO, AS THE "STEVEN D. SYMMS FLYING WYE INTERCHANGE."

**S 1103
BY TRANSPORTATION COMMITTEE
AN ACT**

RELATING TO CONTRACTS FOR DESIGN-BUILD HIGHWAY PROJECTS; AMENDING SECTION 40-103, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 40-104, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 40-105, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING CHAPTER 1, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-119, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING SECTION 40-120, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 9, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-904, IDAHO CODE, TO PROVIDE PROCEDURES FOR AWARDED DESIGN-BUILD CONTRACTS FOR HIGHWAY TRANSPORTATION PROJECTS; AND AMENDING CHAPTER 9, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-905, IDAHO CODE, TO PROVIDE PROCEDURES FOR AWARD OF CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACTS FOR HIGHWAY PROJECTS.

**S 1104
BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLE REGISTRATION FEES AND EMERGENCY MEDICAL SERVICES FEES; AMENDING SECTION 49-452, IDAHO CODE, TO REVISE CERTAIN FEES AND TO PROVIDE FOR MONEYS DEDICATED TO THE OPERATION OF THE TRAUMA REGISTRY.

**S 1105
BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO VISITATION RIGHTS OF GRANDPARENTS; REPEALING SECTION 32-719, IDAHO CODE, RELATING TO VISITATION RIGHTS OF GRANDPARENTS AND GREAT-GRANDPARENTS; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-719, IDAHO CODE, TO PROVIDE FOR VISITATION RIGHTS OF GRANDPARENTS.

**S 1106
BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE THAT

A COURT MAY ORDER RESTITUTION IN CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8003, IDAHO CODE, TO PROVIDE THAT UPON CONVICTION FOR CERTAIN OFFENSES A COURT MAY ORDER RESTITUTION FOR CERTAIN COSTS INCURRED, TO PROVIDE FOR THE DISTRIBUTION OF THE RESTITUTION AND TO DEFINE A TERM; AMENDING SECTIONS 37-2732 AND 37-2735A, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTIONS 37-2744 AND 37-2807, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2808, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 57-816, IDAHO CODE, TO EXPAND THE DRUG ENFORCEMENT DONATION FUND TO INCLUDE DRIVING WHILE UNDER THE INFLUENCE; AND AMENDING SECTIONS 63-3067A AND 63-3067B, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

S 1107

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO INSURANCE CONTRACTS; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1848, IDAHO CODE, TO PROVIDE REQUIRED COVERAGE FOR AMINO ACID-BASED ELEMENTAL FORMULAS FOR CERTAIN CONDITIONS.

S 1108

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1011, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 56-1012, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES, TO REMOVE DEFINITIONS, TO REVISE DEFINITIONS, TO DEFINE NEW TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1013A, IDAHO CODE, TO CORRECT REFERENCE TO THE BOARD OF HEALTH AND WELFARE, TO PROVIDE FOR CONTINUOUS APPROPRIATION OF INITIAL APPLICATION FEE, TO PROVIDE A CORRECT CODE REFERENCE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1014, IDAHO CODE, TO REVISE DUTIES, TO PROVIDE CORRECT CODE REFERENCES AND TO REVISE TERMINOLOGY; AMENDING SECTION 56-1015, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO REVISE TERMINOLOGY; AMENDING SECTION 56-1016, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE STANDARDS FOR AIR MEDICAL SERVICE, TO REVISE AGENCY MINIMUM STANDARDS, TO PROVIDE FOR NONTRANSPORT SERVICE MINIMUM STANDARDS WAIVER, TO REQUIRE THAT CERTAIN APPLICANTS DEMONSTRATE THAT THE LICENSURE CHANGE REQUESTED MEETS CERTAIN OBJECTIVE CRITERIA, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION

OF NEW SECTIONS 56-1020, 56-1021 AND 56-1022, IDAHO CODE, TO PROVIDE PENALTIES FOR PERSONNEL LICENSE VIOLATIONS, TO PROVIDE PENALTIES FOR AGENCY LICENSE VIOLATIONS, TO PROVIDE FOR PERSONNEL AND AGENCY LICENSURE ACTION, TO PROVIDE GROUNDS AND TO PROVIDE PROCEDURE; AMENDING SECTION 56-1017, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE BOARD RULEMAKING AUTHORITY, TO REVISE EMS BUREAU GUIDELINE RESPONSIBILITY, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE TERMINOLOGY.

S 1109

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACISTS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1760, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1761, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1762, IDAHO CODE, TO PROVIDE FOR THE IDAHO LEGEND DRUG DONATION ACT; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1763, IDAHO CODE, TO PROVIDE FOR THE BOARD'S DUTIES AND POWERS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1764, IDAHO CODE, TO PROVIDE IMMUNITY FROM LIABILITY; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1765, IDAHO CODE, TO PROVIDE FOR AN EXEMPTION FROM THE IDAHO WHOLESALE DRUG DISTRIBUTION ACT; AMENDING SECTION 54-1752, IDAHO CODE, TO FURTHER DEFINE A TERM; AND PROVIDING SEVERABILITY.

S 1110

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO RESTRICTIONS ON PUBLIC BENEFITS; AMENDING SECTION 67-7903, IDAHO CODE, TO REVISE THE DOCUMENTATION THAT MAY BE USED TO VERIFY LAWFUL PRESENCE IN THE UNITED STATES AND TO MAKE TECHNICAL CORRECTIONS.

S 1111

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO INSURANCE AND PUBLIC SAFETY OFFICERS; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1352A, IDAHO CODE, TO PROVIDE FOR A PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT, TO PROVIDE REQUIREMENTS RELATING TO THE PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT AND TO PROVIDE LEGISLATIVE INTENT.

S 1112

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO BASIC DAYCARE LICENSE; AMENDING SECTION 39-1101, IDAHO CODE, TO REVISE POLICY AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1102, IDAHO CODE, TO

REMOVE A DEFINITION, TO DEFINE TERMS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1103, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1104, IDAHO CODE, TO PROVIDE A MINIMUM DAYCARE OPERATOR AGE, TO PROVIDE FOR HEALTH AND SAFETY INSPECTIONS, TO REVISE WHO CONDUCTS THE INSPECTION, TO REMOVE A PROHIBITION ON REINSPECTION CHARGES, TO PROVIDE A CODE REFERENCE, TO MAKE A TECHNICAL CORRECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1105, IDAHO CODE, TO REVISE AN AGE FOR CRIMINAL HISTORY CHECKS FOR SPECIFIED INDIVIDUALS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1106, IDAHO CODE, TO REMOVE A PROVISION NOT REQUIRING CRIMINAL HISTORY CHECKS ON LICENSE RENEWAL, TO REQUIRE SPECIFIED LIMITED CRIMINAL HISTORY CHECKS ON LICENSE RENEWAL, TO REQUIRE CERTAIN CRIMINAL HISTORY CHECKS ON PERSONS UNDER EIGHTEEN YEARS OF AGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1107, IDAHO CODE, TO REVISE AUTHORITY FOR RULEMAKING, TO REMOVE A LICENSE FEE AND A RENEWAL FEE, TO PROVIDE FOR CALCULATION AND ALLOCATION FOR A LICENSE FEE AND A RENEWAL FEE, TO REMOVE CERTAIN ADJUSTMENTS TO LICENSE FEES, TO PROVIDE FOR PROVIDER COVERAGE OF A LICENSE FEE WITH AN EXCEPTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1108, IDAHO CODE, TO REMOVE A FIRE STANDARDS COMPLIANCE REQUIREMENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1109, IDAHO CODE, TO REQUIRE COMPLIANCE WITH A CERTAIN INTERNATIONAL FIRE SAFETY CODE, TO REMOVE COMPLIANCE WITH FIRE STANDARDS, TO REVISE SAFETY STANDARDS REQUIRED IN THE AREA OF THE DAYCARE FACILITY, TO REQUIRE AN ADULT BE PRESENT ON DAYCARE FACILITY PREMISES AT CERTAIN TIMES, TO PROVIDE FOR AND REVISE CERTAIN CHILD-STAFF RATIOS AND REQUIREMENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1110, IDAHO CODE, TO REVISE HEALTH STANDARDS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1113, IDAHO CODE, TO REVISE CRIMES PRECLUDING ELIGIBILITY FOR A LICENSE, TO PROVIDE FOR LICENSE INELIGIBILITY FOR A PERSON WHO HAS PLEADED GUILTY TO, BEEN FOUND GUILTY OF OR RECEIVED A WITHHELD JUDGMENT FOR CERTAIN CRIMES WITHIN A SPECIFIED TIME PERIOD, TO PROVIDE GROUNDS FOR DISCRETIONAL DENIAL, SUSPENSION OR REVOCATION OF A DAYCARE FACILITY LICENSE, TO PROVIDE GROUNDS FOR MANDATORY DENIAL OR REVOCATION OF DAYCARE FACILITY LICENSE OR PRIVILEGE TO OPERATE A FAMILY DAYCARE HOME AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1114, IDAHO CODE, TO REMOVE REQUIREMENTS FOR AVAILABILITY FOR INSPECTION OF FIRE INSPECTION CERTIFICATE AND CRIMINAL HISTORY CHECKS, TO REVISE WHO IS TO PERFORM SAFETY INSPECTIONS, TO PERMIT INSPECTION OF FAMILY DAYCARE HOMES, TO REVISE AN ELECTION FOR COMPLIANCE WITH CHAPTER PROVISIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1115, IDAHO

CODE, TO PROVIDE A DAYCARE FACILITY A CERTAIN GRACE PERIOD TO OBTAIN A LICENSE, TO REVISE A CODE REFERENCE, TO REVISE CRIMINAL SANCTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1116, IDAHO CODE, TO REVISE THE DUTY OF THE COUNTY PROSECUTING ATTORNEY TO PROSECUTE VIOLATIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1117, IDAHO CODE, TO REVISE A PROVISION REGARDING AFFIRMANCE WITH CHAPTER PROVISIONS, TO MAKE A TECHNICAL CORRECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1118, IDAHO CODE, TO REVISE WHO SHALL SIGN A CERTAIN CERTIFICATE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-1119, IDAHO CODE, TO PROVIDE DEPARTMENT OF HEALTH AND WELFARE RESPONSIBILITY FOR EVALUATING WHETHER TRAINING IS ACCEPTABLE FOR LICENSURE, TO REVISE TRAINING HOUR REQUIREMENTS, TO PROVIDE CERTAIN LIMITATIONS ON PREMISES TRAINING AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING CHAPTER 11, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1120, IDAHO CODE, TO PROVIDE FOR NONDELEGABLE DUTIES AND RESPONSIBILITIES; AND PROVIDING AN EFFECTIVE DATE.

S 1113

BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO NOTICE OF TRANSFER OR ENCUMBRANCE OF REAL PROPERTY; AMENDING CHAPTER 8, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-819, IDAHO CODE, TO PROVIDE DUTIES RESULTING FROM NOTICE OF TRANSFER OR ENCUMBRANCE AND FOR AN EXCEPTION; AND AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-225, IDAHO CODE, TO PROVIDE FOR A NOTICE OF TRANSFER OR ENCUMBRANCE, RULEMAKING AND THE EFFECT OF NOTICE.

S 1114

BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO HEALTH CARE TREATMENT AND CONSENT; AMENDING SECTION 39-4501, IDAHO CODE, TO REVISE CHAPTER APPLICATION; AMENDING SECTION 39-4502, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 39-4503, IDAHO CODE, TO REVISE WHO MAY GIVE CONSENT TO THEIR OWN CARE AND TO PROVIDE FOR CONSENT TO OTHER HEALTH CARE, TREATMENT OR PROCEDURE; AMENDING SECTION 39-4504, IDAHO CODE, TO PROVIDE FOR CONSENT BY OTHERS FOR OTHER HEALTH CARE, TREATMENT OR PROCEDURES, TO PROVIDE FOR CONSENT FOR CERTAIN PERSONS BY A SURROGATE DECISION MAKER, TO REMOVE CERTAIN COMPETENT PERSONS FROM THE APPLICATION OF THE SECTION, TO REVISE THE ORDER OF PRIORITY OF CERTAIN CONSENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4504A, IDAHO CODE, TO PROVIDE FOR THE WITHHOLDING OR

WITHDRAWING OF HEALTH TREATMENT AND TO PROVIDE FOR VOLUNTARY ETHICS COMMITTEE REVIEW; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4504B, IDAHO CODE, TO PROVIDE AUTHORIZATION FOR EMERGENCY MEDICAL TREATMENT; AMENDING SECTION 39-4506, IDAHO CODE, TO REVISE THE CARE, TREATMENT OR PROCEDURES FOR WHICH CONSENT IS PROVIDED, TO REVISE TO WHOM CONSENT IS GIVEN OR BY WHOM IT IS SECURED AND TO REVISE THE REQUIREMENTS FOR THE VALIDITY OF CERTAIN CONSENTS; AMENDING SECTION 39-4508, IDAHO CODE, TO PROVIDE FOR OBTAINING SUFFICIENT CONSENTS AND TO REVISE WHO HAS THE DUTY TO OBTAIN CERTAIN CONSENTS; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE WHO HAS THE RIGHT TO CONTROL CERTAIN HEALTH CARE DECISIONS; AMENDING SECTION 39-4511, IDAHO CODE, TO PROVIDE FOR REVOCATION OF OTHER SIMILAR ADVANCE DIRECTIVES; AMENDING SECTION 39-4512A, IDAHO CODE, TO PROVIDE FOR SURROGATE DECISION MAKER INVOLVEMENT IN MATTERS INVOLVING PHYSICIAN ORDERS FOR SCOPE OF TREATMENT, TO REMOVE THE PERSON'S EXPRESSED DIRECTIVES FROM A CONFLICT PROVISION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-4512B, IDAHO CODE, TO CLARIFY TERMINOLOGY AND TO PROVIDE FOR THE APPLICATION OF "DO NOT RESUSCITATE" ORDERS IN RELATIONSHIP TO PHYSICIAN ORDERS FOR SCOPE OF TREATMENT FORMS; AMENDING SECTION 39-4513, IDAHO CODE, TO PROVIDE CERTAIN IMMUNITIES WITH REGARD TO CERTAIN "DO NOT RESUSCITATE" ORDERS OR OTHER HEALTH CARE DIRECTIVES AND TO PROVIDE FOR THE DISREGARD OF "DO NOT RESUSCITATE" ORDERS BY CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 39-4514, IDAHO CODE, TO PROVIDE FOR CHAPTER APPLICATION WITH REGARD TO OTHER HEALTH CARE DIRECTIVES, TO PROVIDE A CORRECT CODE REFERENCE, TO REMOVE A PROVISION RELATED TO FUTILE CARE, TO PROVIDE FOR LIBERAL CONSTRUCTION OF THE SECTION TO GIVE CERTAIN EFFECT, TO PROVIDE FOR APPLICATION OF "DO NOT RESUSCITATE" ORDERS WITH REGARD TO CERTAIN TYPES OF INSURANCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 66-401, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 66-402, IDAHO CODE, TO REVISE DEFINITIONS AND TO DELETE AN OBSOLETE CODE CITATION; AMENDING SECTION 66-405, IDAHO CODE, TO REVISE THE AUTHORITY OF GUARDIANS REGARDING CERTAIN CONSENTS, TO REVISE THE CIRCUMSTANCE UNDER WHICH A HEALTH CARE PROVIDER OR CAREGIVER MAY WITHHOLD OR WITHDRAW CERTAIN TREATMENTS, TO PERMIT A GUARDIAN OR PHYSICIAN TO SUBMIT CERTAIN ISSUES TO AN ETHICS COMMITTEE, TO PROVIDE FOR CERTAIN IMMUNITIES, TO CLARIFY THE APPLICATION OF THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 66-408, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 66-412, IDAHO CODE, TO PROVIDE CERTAIN SURROGATE DECISION MAKERS THE RIGHT TO REFUSE SPECIFIC MODES OF TREATMENT OR HABILITATION, TO REVISE THE HEAD OF A FACILITY'S DISCRETION TO DENY THE RIGHT TO REFUSE TREATMENT OR HABILITATION,

TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SEVERABILITY.

S 1115
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO OPTOMETRISTS; AMENDING SECTION 54-1501, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1502, IDAHO CODE, TO PROVIDE FOR PENALTIES AND TO PROVIDE THAT AN OPTICIAN LAWFULLY PRACTICING OPTICIANRY WITHIN THE STATE IS NOT IN VIOLATION OF THE PROVISIONS OF THE CHAPTER; AMENDING CHAPTER 15, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1502A, IDAHO CODE, TO PROVIDE PENALTIES AND REMEDIES REGARDING NONLICENSED PERSONS; AMENDING SECTION 54-1503, IDAHO CODE, TO REMOVE OUTDATED LANGUAGE, TO PROVIDE QUALIFICATIONS FOR MEMBERS OF THE STATE BOARD OF OPTOMETRY AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-1505, IDAHO CODE, REGARDING QUALIFICATIONS FOR MEMBERS OF THE STATE BOARD OF OPTOMETRY; AMENDING SECTION 54-1509, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE BOARD, TO REMOVE A POWER AND DUTY OF THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1510, IDAHO CODE, TO REVISE A GROUND FOR LICENSE DISCIPLINE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-1514, IDAHO CODE, TO REMOVE CERTAIN PRINTING AND DISTRIBUTION REQUIREMENTS AND TO PROVIDE FOR AN AVAILABILITY REQUIREMENT.

S 1116
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO INSURERS AND ORGANIZATIONS OFFERING HEALTH CARE CONTRACTS; AMENDING SECTIONS 41-1846 AND 41-3915, IDAHO CODE, TO REQUIRE CERTAIN INSURERS AND ORGANIZATIONS TO PROVIDE CERTAIN ORALLY ADMINISTERED MEDICATIONS ON A BASIS NO LESS FAVORABLE THAN CERTAIN INTRAVENOUSLY ADMINISTERED MEDICATIONS; AND DECLARING AN EMERGENCY.

S 1117
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1005, IDAHO CODE, TO REVISE THE FREQUENCY OF BOARD MEETINGS.

S 1118
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO HEALTH CARE POLICIES; AMENDING SECTION 41-2210, IDAHO CODE, TO PROVIDE CERTAIN COVERAGE UNDER GROUP AND BLANKET POLICIES TO UNMARRIED DOMESTIC PARTNERS; AMENDING CHAPTER 40, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-4026, IDAHO CODE, TO PROVIDE CERTAIN COVERAGE UNDER HEALTH BENEFIT PLANS

TO UNMARRIED DOMESTIC PARTNERS; AMENDING CHAPTER 41, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-4126, IDAHO CODE, TO PROVIDE CERTAIN COVERAGE UNDER JOINT PUBLIC AGENCY SELF-FUNDED PLANS TO UNMARRIED DOMESTIC PARTNERS; AND AMENDING SECTION 41-4708, IDAHO CODE, TO PROVIDE CERTAIN COVERAGE UNDER SELF-FUNDED PLANS TO UNMARRIED DOMESTIC PARTNERS.

[S 1102](#), [S 1103](#), [S 1104](#), [S 1105](#), [S 1106](#), [S 1107](#), [S 1108](#), [S 1109](#), [S 1110](#), [S 1111](#), [S 1112](#), [S 1113](#), [S 1114](#), [S 1115](#), [S 1116](#), [S 1117](#), and [S 1118](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Pearce was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote, the Senate adjourned at 4:45 p.m. until the hour of 10:30 a.m., Tuesday, February 17, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary